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9 BEFORE THE  
10 PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against: Case No. 1D-2000-62643

13 GREGORY SCOTT JOHNSON  
1928 Alicante Street  
14 Davis, California 95616

**ACCUSATION**

15 Physical Therapy License No. PT-17250

16 Respondent.  
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18 Steven K. Hartzell, for causes for discipline, alleges:

19 **PARTIES**

20 1. Complainant Steven K. Hartzell makes and files this accusation in his official  
21 capacity as Executive Officer of the Physical Therapy Board of California (hereinafter referred to as  
22 "Board"), Department of Consumer Affairs, State of California.

23 2. On February 11, 1991, the Physical Therapy Board of California issued physical  
24 therapy license number PT-17250 to Gregory Scott Johnson (hereinafter "respondent"). The license  
25 will expire February 28, 2003, unless it was renewed.

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## JURISDICTION

3. This accusation is brought before the Physical Therapy Board of California, Department of Consumer Affairs (hereinafter the "Board"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code"):

A. Section 2609 of the Code provides as follows:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

B. Section 2661.5 of the Code provides as follows:

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period of those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

1 C. Section 2660 of the Code provides:

2 The board may, after the conduct of appropriate proceedings under  
3 the Administrative Procedure Act, suspend for not more than 12  
4 months, or revoke, or impose probationary conditions upon, or issue  
5 subject to terms and conditions any license, certificate, or approval  
6 issued under this chapter for any of the following causes:

7 . . .

8 (h) Gross negligence in his or her practice as a physical therapist.

9 (i) Conviction of a violation of any provision of this chapter or of the  
10 State Medical Practices Act, or violating or attempting to violate,  
11 directly or indirectly, or assisting in or abetting the violation of, or  
12 conspiring to violate any provision or term of this chapter or of the  
13 State Medical Practice Act.

14 D. Section 2234 of the code provides that the Division of Medical Quality shall  
15 take action against any licensee who is charged with unprofessional conduct.

16 **FIRST CAUSE FOR DISCIPLINE**  
17 **(Gross Negligence)**  
18 **[Business & Professions Code section 2660(h)]**

19 4. Respondent Johnson is subject to disciplinary action under section 2660(h) of  
20 the Business and Professions Code in that he committed an act of gross negligence in the practice of  
21 physical therapy as follows:

22 a. On or about August 2, 2000, respondent was treating patient R.A., for neck and  
23 back pain, by massaging the patient=s bare neck and back. Respondent had open sores on his hands  
24 and fingers when he conducted the massage of the patient R.A. and respondent failed to wear rubber  
25 gloves for infection control.

26 **SECOND CAUSE FOR DISCIPLINE**  
27 **(General Unprofessional Conduct)**  
28 **[Business & Professions Code sections 2660(i) and 2234]**

5. Complainant realleges paragraph 4, above and incorporates it by reference as  
if fully set forth at this point.

6. Respondent Johnson=s conduct of failing to wear gloves is subject to  
disciplinary action under section 2660(i) and 2234 of the Business and Professions Code in that he  
engaged in general unprofessional conduct.

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1 **PRAYER**

2 WHEREFORE, complainant prays a hearing be had and that the Physical Therapy  
3 Board of California make its order:

4 1. Revoking or suspending physical therapist license number PT-17250, issued to  
5 Gregory Scott Johnson.

6 2. Ordering Gregory Scott Johnson to pay to the Physical Therapy Board of  
7 California its costs for investigation and prosecution according to proof at the hearing, pursuant to  
8 Business and Professions Code section 2661.5.

9 3. Taking such other and further action as may be deemed proper and appropriate.

10 DATED: March 22, 2002

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12 Original signed by Steven K. Hartzell  
13 STEVEN K. HARTZELL  
14 Executive Officer  
15 Physical Therapy Board of California  
16 Department of Consumer Affairs  
17 State of California

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19 Complainant  
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